

## Massachusetts OHV Advisory Committee Meeting Minutes

<b>Meeting name</b>	OHV Advisory Committee Meeting (10)		
<b>Date</b>	12-12-12	<b>Time</b>	11:00 AM – 3:00 PM
<b>Location</b>	DCR Wachusett Watershed Regional Office, West Boylston, MA	<b>Meeting host</b>	Stephanie Cooper, EEA
Attendees			
Stephanie Cooper (EEA)	Tad Ames	Larry Tucker	Randy Toth
Dan D'Arcy	Ken Anderson	Andrea Buglione	Lt. Merri Walker (OLE)
Gary Briere (DCR)	Chris Baker (OLE)	Chief Ernest Horn	Courtney Livingston (OLE)
Sharl Heller	Beth Hume (DPH)	Colleen McGuire (DPH)	Priscilla Chapman
Katie Kearney	Celia Riechel (EEA)	Bill Riordan	
Absentees			
Sharon Jordan	Chris Mossman	Peter Masiokas	

Synopsis of items discussed
<ol style="list-style-type: none"> <li><b>Welcome and introductions</b></li> <li><b>Presentation of OHV accident data analysis Beth Hume, DPH</b> <p>The Department of Public Health has been able to collect and analyze data on OHV-related accidents as part of CDC-funded project to improve the quality of data collection and management, looking specifically at the accuracy and utility of international injury-classification codes. The research question was, “are codes being used accurately at hospitals?” The data sources were hospital admissions, observation stays, and ER discharges; these are mutually exclusive categories. The study only looked at MA hospitals. A lot of good information was produced that will help inform OHV discussions, but because the study was not specifically designed to look at OHV accidents, there are some limitations on what we can determine. These limits are particularly related to the classification of vehicles (as with the large “other” category, and the absence of any data on the size of vehicle), but there were also some inconsistencies with the records. Some of this can be addressed through outreach to medical records coders at hospitals, but it may not be fully addressed until the new injury classification manual is published, scheduled for Oct. 2014, which may have more extensive vehicle categories.</p> </li> </ol>

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The injury-classification codes include ATV, Dirt Bike, and Other. Of reported cases, 32% involved ATVs, 53% involved dirt bikes, and the rest fell in the "other" category. Traumatic brain injury (TBI) occurred at the highest rate among 5-9 year olds, with the second highest rate among 15-17 year olds.

There was a fairly high compliance rate with wearing helmets, especially for drivers. Riders (ie, additional people on the OHV beyond the driver) showed lower compliance rates.

It would be difficult to determine rates of injury due to the absence of any comprehensive information on how many people ride OHVs, or the amount of time spent riding. While this study was federally-funded, the objective of data quality was specific to Massachusetts; other states that received funds may have used it for other purposes. There may be other studies that would permit a comparison across states, or that look at accidents per hour of activity across a spectrum of recreational/sports activities, but they may encounter similar difficulties with the level of specificity in medical injury classifications. This study may be most useful to serve as a baseline, to be repeated in a few years, after which conclusions could be drawn about the effectiveness of the OHV law and outreach efforts in reducing child OHV accidents and injuries.

The OHV Handbooks are being distributed, but they could be distributed more widely. Local police departments that want handbooks in bulk can get them from Courtney Livingston, who is coordinating OLE's outreach efforts, at 508-564-4961 or [courtney.livingston@state.ma.us](mailto:courtney.livingston@state.ma.us). Production of the handbooks is paid for by the OHV Fund.

The DPH Injury Prevention Program struggles with a lack of funding and low staffing. It has several main statewide priorities: drug (opiates) usage; transportation injuries; concussions; and falls among the elderly.

Are helmets adequate if even 20% of those wearing helmets in an accident still incur a TBI? It may not be easy to determine the severity of an injury in the absence of information on the velocity of the vehicle. No helmet, however well-made, can prevent serious injury or even death in instances where there is a sudden and significant change in velocity.

Imperfections of MA's OHV law notwithstanding, it is well ahead of the rest of the country, and other states are copying it.

### 3. **Education and outreach – year in review** **Merri Walker, OLE**

OLE met with the Dept. of Motor Vehicles regarding motorcycles, and the classification of motorcycles, ATVs, and dirt bikes.

OLE maintains information on accidents responded to by its officers and reported to it by local police departments. Local police departments are not required to report accidents to OLE, so OLE's statistics are not comprehensive. DPH's data has much

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higher injury numbers because it was gathered at all MA hospitals. There is no centralized database of OHV statistics. OLE and DPH are going to work together on improving and reconciling their data.

It might be possible to determine whether there has been a change in the accident rate by controlling for the reduction in registrations for riding at DCR facilities, or change in membership in Mass Trail Riders Assoc. and other organizations, or changes in sales numbers. None of these will be a perfect solution, but they might help towards getting a usable denominator. There has been an across-the-board decline in all types of vehicle accidents, largely related to the economy (fewer teens having cars, etc).

Most riders involved in accidents were unregistered, and they were riding in illegal locations. Only two of the reported accidents occurred in approved DCR riding areas (Freetown State Forest). This suggests a segment of the population is not receiving the message or not complying with the law. Riders may perceive that the legal riding areas provided by DCR are insufficient incentive for them to register.

OLE sees about 100 new child riders each year, but there is good reason to believe that the real number is closer to 1,000, and that compliance with the law is still very low. Similarly, a total of only 190 children have completed the education requirement in 2011 and 2012, which is well below the number of children actually riding. More dirtbike riders are completing the education course than ATV riders. This may be because the dirtbike and motorcross communities are well-organized and encouraging their riders to comply. Snowmobile riders are not currently required to take the course.

#### **4. A possible means of increasing riding opportunities outside of state lands Andrea Buglione, North Quabbin Regional Landscape Partnership/Mount Grace Land Conservation Trust**

The recently-completed Report of the Massachusetts Commission on Financing Forest Conservation included among its recommendations working with the OHV Advisory Committee to identify working forest lands that towns may be interested in protecting to add to the network of protected forests and that could provide OHV riding opportunities. Purchase such property would permanently protect forestland and draw economic development from OHV tourism. Mount Grace and Harvard Forest recently received grant funding to pursue development of a Conservation Investment Zone in the north Quabbin region.

Bill Riordan, Ken Anderson, Randy Toth, Dan D'Arcy, and Larry Tucker volunteered to work with Andrea to explore the issue.

#### **5. Law enforcement update**

OLE is compiling end-of-year statistics. These will still only cover incidents responded to, and tickets issued by, OLE; they will not include local police

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department statistics.

There are signs that even on DCR properties where some riding is permitted, there is significant illegal OHV usage, which appears to be causing substantial environmental damage. Is the State able to effectively police its properties?

Tickets issued by OLE officers require that the ticketed rider pay a fine, or go to court to contest the fine. Anecdotally, courts are often not enforcing full fines, but there may not be good statistics on the number of citations issued vs. the number upheld by courts. There is a wide variance between courts. OLE can't tell them how to rule.

Once citation payments are deposited into the OHV Fund, they cannot be appropriated for another use because it is a separate trust fund. It also operates outside of the state fiscal year.

Could more money from the OHV Fund be allocated to increase law enforcement efforts? Yes, it could. More officers out in the field could help get the word out to more kids and other riders who may not be reachable through established communication networks. Thus far, the Fund has been used to support initial start-up of the OHV program, ongoing support of staff dedicated to registration and providing the educational course, as well as equipment and off-hours enforcement by officers. Sting operations are effective, and if more money were available, that is where OLE would use it; the current level of education and outreach seem appropriate. But an effort is being made to balance use of the Fund for education, enforcement and riding opportunities. And, because revenue is down this year, to date spending on law enforcement from the Fund has just been on basic upkeep.

A directed patrol usually requires at least six officers (because of the many exit points from forests). With staffing down, it makes it difficult to devote enough officers. Federal grants cover equipment but not personnel.

The most effective link to local police departments is through OLE-sponsored trainings for local police, and coordination on patrols. OLE is developing an OHV training program specifically for local police departments. Local police face the same difficulties with limited staffing and resources. It is difficult for them to get their portion of OHV fines.

Do we know what legislation is needed to allow towns to put OHV fine money into a dedicated fund, not just the general fund? Need a model town.

#### 6. **OHV Trails Update** **Gary Briere, DCR**

Visitation by OHV riders to DCR properties where OHVs are permitted was low in 2012; somewhat above 2011 (where riding days were limited due to Hurricane Irene), but still below 2010. After removing the outlier two people who rode very

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frequently, and the numbers are about the same as 2010. All of this is well below the level of ridership seen in the early 2000s.

After the first year, DCR removed the limits on the number of permits an individual could get because the riders on a given day never approached the overall limits. DCR estimates there may be an additional 10% of riders who are unpermitted and were not seen by DCR rangers. Locals may form the majority of these noncompliant riders. The committee discussed whether this might be an underestimate of the number of riders who simply don't get the permit. Are there other means of assessing the number of riders and demand for riding opportunities? OHV sales statistics could be used to identify trends, if not overall numbers. Permit numbers are how DCR determines demand, and this informs how it makes resource allocation decisions. Getting people to get permits helps make the argument for DCR investment. DCR closes pools for lack of use when they only have 30,000 users a year.

MA could set up a permit process for specific events, such as "enduro" or "turkey rides," in state forests that currently don't allow OHVs.

A survey could generate more hard data on current and potential users.

DCR's volunteer policy is currently being updated to permit more volunteers to do more work (eg on trails), and to be more simplified. It should allow for work permits, so that for instance snowmobile clubs could access trails for maintenance during the summer using ATVs.

#### **7. Regulations update**

OLE is working to make the regulations easier to understand. It's been suggested that they contain a breakdown by vehicle type, so that riders could just go to the section for their vehicle type and read that.

"Age and size appropriate" means an operator large enough to effectively operate the vehicle and manipulate the controls. The 90cc limitation will still be in place because that's in the law that was passed.

Federal property, such as the USACE Hodges Village Dam, is governed by federal law and regulations.

Under the new law passed in October 2012, OLE is directed to establish an exemption process for certain circumstances, like the educational requirement for out-of-state riders participating in 1-2 day events. It is not yet determined how the application process would be handled. The law applies to individuals, but perhaps there could be an exemption that applies to specific, registered groups, similar to what is done for boat shows or antique car shows. OLE will update the Committee on approach to this, including proposed regulatory additions or revisions.

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### 8. Committee mission and goals

Discussion moved to next meeting.

### 9. OHV Fund update

Some committee members are frustrated that money has been flowing into the OHV Fund from riders who are complying with the law, but no additional or better riding opportunities have yet been created. Other committee members are concerned that the level of OHV riding already taking place, both legally and illegally, is causing environmental damage, and there has been no decrease in damage since the OHV Fund's creation; they would like the provision of more riding opportunities to be tied to reducing the environmental damage caused by OHVs. Committee members, especially those who represent OHV riders, are in a somewhat difficult position in that they have spent time and effort persuading their organizations' members to support the process and give it time to work, but there are few results to serve as justification to continue supporting the process and complying with the law.

Some of the delay in using OHV Funds for improving or providing new riding opportunities is due to the timing of other ongoing DCR processes, including the fine filter analysis that is part of the Resource Management Planning process. The results of the fine filter analysis should help inform the application of the OHV Fund to ensure that we use its limited funds wisely.

### Next steps/action items

1. Possible comparison between DPH accident records and OLE incident records? Possible to compare accident rates with those of other states, or with other sports/activities?
2. Discussion of OHV Advisory Committee's mission and goals.

### Suggestions for Consideration

1. Determine what legislation is necessary to allow local towns to set up a dedicated fund for OHV fines. Find an existing town to be used as a model, or create one.
2. Develop an online survey of OHV riders to get more information on who they are and what they want.

### Next meeting

Wednesday, March 6<sup>th</sup>, 11:00am – 3:00pm

Location TBD